



# Journal of the House

State of Indiana

112th General Assembly

First Special Session

Sixth Meeting Day

Saturday Morning

June 22, 2002

The House convened at 11:00 a.m. with the Speaker in the Chair.

The invocation was offered by Representative Peggy Welch.

The Pledge of Allegiance to the Flag was led by Representative Mark R. Kruzan.

The Speaker ordered the roll of the House to be called:

T. Adams	Hoffman
Aguilera	Kersey
Alderman	Klinker
Atterholt	Kromkowski
Avery	Kruse
Ayres	Kruzan
Bardon	Kuzman
Bauer	Lawson
Becker	Leuck
Behning	Liggett
Bischoff	J. Lutz
Bodiker	Lytle
Borror	Mahern
Bosma	Mangus
Bottorff	McClain
C. Brown	Mock
T. Brown	Moses
Buck	Munson
Budak	Murphy
Buell	Noe
Burton	Oxley
Cheney	Pelath
Cherry	Pond
Cochran	Porter
Cook	Reske
Crawford	Richardson
Crooks	Ripley
Crosby	Robertson
Day	Ruppel
Denbo	Saunders
Dickinson	Scholer
Dillon	M. Smith
Dobis	V. Smith
Dumezich	Steele ☐
Duncan	Stevenson
Dvorak	Stilwell
Espich	Sturtz ☐
Foley ☐	Summers
Frenz	Thompson
Friend	Tincher
Frizzell	Torr
Fry	Turner
GiaQuinta	Ulmer
Goodin	Weinzapfel
Grubb	Welch
Harris	Whetstone
Hasler	Wolkins
Herndon	D. Young
Herrell	Yount
Hinkle	Mr. Speaker

Roll Call 9: 97 present; 3 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

## MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed House Bill 1001(ss) with amendments and the same is herewith returned to the House for concurrence.

MARY C. MENDEL  
Principal Secretary of the Senate

The House recessed until the fall of the gavel.

## RECESS

The House reconvened at 4:55 p.m. with the Speaker in the Chair.

## RESOLUTIONS ON FIRST READING

### House Resolution 10(ss)

Representatives Dumezich and Stevenson introduced House Resolution 10(ss):

A HOUSE RESOLUTION congratulating the Munster High School, Munster, Indiana, baseball team for their victory in the Indiana High School Athletic Association Class 4A state championship.

*Whereas, On June 15, 2002, the Munster High School baseball team became the 2002 Indiana High School Athletic Association (IHSAA) Class 4A state champions;*

*Whereas, With the victory, the 25-9 Mustangs captured the first state baseball championship in school history;*

*Whereas, The Munster High School team entered the semifinals unranked, but defeated four-time state champion and No. 2-ranked Logansport High School 9-4;*

*Whereas, Throughout the regional and championship series, the Mustangs proved to be streak breakers, ending Logansport's 26-game winning streak, Evansville North's 12-game winning streak, and Valparaiso's 21-game winning streak;*

*Whereas, The Munster High School Mustangs set a Class 4A record with 2 triples in one game; and*

*Whereas, It is through team efforts such as these that the youth of Indiana learn valuable lessons that will enrich their lives in the future: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana House of Representatives wishes to congratulate the Munster High School baseball team on their victory in the 2002 IHSAA Class 4A state championship and to wish them continued success in the future.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to team members Matt Gornal, Mike Kalina, Mike Rosen, Brad Nykiel, Kurt Keil, Kevin Kutansky, Elliott Gibbs, Aaron Cameron, Dan Strzempka, Paul Obszanski, their coaches and assistant coaches, the athletic director, and the principal of Munster High School.

The resolution was read a first time and adopted by voice vote.

### House Resolution 11(ss)

Representatives Dumezich and Stevenson introduced House Resolution 11(ss):

A HOUSE RESOLUTION congratulating the Lake Central High School softball team on winning the 2002 Indiana High School Athletic Association Class 3A softball state finals.

*Whereas, On June 8, 2002, Lake Central High School, Saint John, Indiana, defeated Center Grove High School by a score of 8 to 1 to become the 2002 Indiana High School Athletic Association (IHSAA) Class 3A softball state champions;*

*Whereas, Lake Central ended their championship season with a 28– record;*

*Whereas, During the championship game, Lake Central had nine base hits;*

*Whereas, Prior to this game, Center Grove's pitchers had not allowed a run since the Center Grove sectional championship;*

*Whereas, On their road to the championship, Lake Central won three 1–0 games, displaying the toughness that is present in every championship caliber team;*

*Whereas, Lake Central's all-state pitcher, Brooke Baker, equaled her single season earned-run record of 0.05 and racked up 52 career victories, leaving her just six short of Lake Central's all time record of 58 wins;*

*Whereas, Brooke Baker finished the season with a 19–1 record, allowing just one earned run in 146  $\frac{2}{3}$  innings; and*

*Whereas, The members of the Lake Central softball team have worked tirelessly toward achieving a goal; efforts such as these help to prepare the youth of our state for the future: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana House of Representatives wishes to congratulate the members and coaches of the Lake Central softball team on winning the 2002 IHSAA Class 3A softball state championship and to wish them continued success in all their endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to team members Brandi Shields, Katie Mitchell, Jill Kapitan, Ali Pienta, Beth Adamski, Terrilyn Schilling, Emily Smitka, Yvette Tovar, Stacy Adamski, Amy Stremplewski, and Brooke Baker, the head coach and assistant coaches, the athletic director, and the principal of Lake Central High School.

The resolution was read a first time and adopted by voice vote.

## **MOTIONS TO CONCUR IN SENATE AMENDMENTS**

### **HOUSE MOTION**

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1001(ss).

BAUER

Roll Call 11: yeas 43, nays 54. Motion failed.

The House recessed until the fall of the gavel.

## **RECESS**

The House reconvened at 7:50 p.m. with the Speaker in the Chair.

## **MOTIONS TO CONCUR IN SENATE AMENDMENTS**

### **HOUSE MOTION**

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1001(ss).

BAUER

Roll Call 12: yeas 51, nays 45. Motion prevailed.

The House recessed until the fall of the gavel.

## **RECESS**

The House reconvened at 8:35 p.m. with the Speaker in the Chair. Representative Yount was excused.

## **ACTION ON GUBERNATORIAL VETOES**

### **Senate Enrolled Act 217**

#### **MESSAGE FROM THE GOVERNOR**

Mr. President and Members of the Senate: Senate Enrolled Act 217 concerns several issues related to the Muscatatuck State Developmental Center in Jennings County, requiring the Division of Disability, Aging and Rehabilitation Services to take certain actions, including conducting public hearings, submitting a report to the Legislative Council and the Commission on Mental Retardation and Developmental Disabilities, and developing a plan, before downsizing the center. It also specifies the conditions that must be met before the center may be downsized.

Many of the provisions of SEA 217 reflect the manner in which the state has already proceeded in downsizing and gradual closure of Muscatatuck, a decision announced nearly a year ago. I am concerned, however, about provisions of the bill that allow guardians to approve—or, by inference, to disapprove—resident moves to other accommodations in a manner that is inconsistent with federal law. These provisions would create expanded eligibility for Muscatatuck residents under Medicaid beyond what exists now.

As such, I intend to issue an Executive Order that will include some of the positive aspects of this bill, such as ensuring that public hearings and reports continue to keep residents, families and community members updated on the transition process. The order also will underscore our commitment to monitor the health and safety of each resident as this process proceeds.

It has always been my commitment that the downsizing and closure of this facility will proceed with caution, and we must do everything we can to ensure that the residents are moved to new settings in a manner that promotes their health and safety. It is my view, based on our past experience with closures of other state-operated facilities, that the state can safely and appropriately pursue downsizing and closure under the original schedule, with the last residents leaving Muscatatuck by June 30, 2003.

As we continue to move toward community-based services and begin to realize the successes and challenges of dramatically changing our service delivery system, it is my belief that SEA 217 is contrary to the policy we have pursued in Indiana, as well as contrary to the provisions of the United States Supreme Court ruling in *Olmstead*.

I hereby veto Senate Enrolled Act 217 and return it to the Senate for further action.

Date: March 28, 2002

FRANK O'BANNON  
Governor

The Speaker handed down Senate Enrolled Act 217, passed by the Second Regular Session of the 112th General Assembly.

AN ACT to amend the Indiana Code concerning human services.

The merits of Senate Enrolled Act 217 and the governor's veto were debated. The question was, Shall Senate Enrolled Act 217 pass, the Governor's veto notwithstanding?

Roll Call 13: yeas 92, nays 0. The Governor's veto was overridden.

### **House Enrolled Act 1065**

#### **MESSAGE FROM THE GOVERNOR**

Mr. Speaker and Members of the House: House Enrolled Act 1065 provides Teachers Retirement Fund (TRF) members, survivors, or beneficiaries a Cost of Living Adjustment (COLA), effective January 1, 2003 of 1 percent—3 percent. The Act also provides Public Employees Retirement Fund members, survivors or

beneficiaries a 2 percent maximum COLA, also effective January 1, 2003.

HEA 1065 has a fiscal impact of on the state of \$3 million in fiscal year 03 and \$6 million in 04. I am supportive of cost-of-living increases in times of growth or stability and I recognize the need for these increases to beneficiaries. However, the fiscal impact of an open-ended COLA at a time when we are cutting so many other fundamental services and programs requires that this bill be vetoed. The automatic COLAs in HEA 1065 are new policy for the state that should be reviewed by the Pension Management Oversight Commission before enactment.

I hereby veto House Enrolled Act 1065 and return it to the House of Representatives for further action.

Date: March 28, 2002

FRANK O'BANNON  
Governor

The Speaker handed down House Enrolled Act 1065, passed by the Second Regular Session of the 112th General Assembly.

AN ACT to amend the Indiana Code concerning pensions.

The merits of House Enrolled Act 1065 and the governor's veto were debated. The question was, Shall House Enrolled Act 1065 pass, the Governor's veto notwithstanding?

Representatives Bardon, Bauer, Buell, Duncan, Hoffman, Kersey, Klinker, Pond, and V. Smith were excused from voting. Roll Call 14: yeas 82, nays 1. The Governor's veto was overridden.

## OTHER BUSINESS ON THE SPEAKER'S TABLE

The Speaker announced that Evelyn Gerkin, the sister of Representative Vern Tincher had died suddenly tonight. The House stood for a moment of silence in her memory.

## ADJOURNMENT OF FIRST SPECIAL SESSION

### HOUSE MOTION

Mr. Speaker: I move that the Speaker of the House of Representatives appoint a committee of four members of the House of Representatives to confer with the Senate for the purpose of ascertaining if the Senate has any further legislative business to transact with the House of Representatives during this First Special Session of the 112th Indiana General Assembly.

KRUZAN

Motion prevailed. The Speaker appointed Representatives Leuck, Dvorak, Dumezich, and Mock.

### HOUSE MOTION

Mr. Speaker: I move that the Speaker of the House of Representatives appoint a committee of four members of the House of Representatives to confer with the Governor for the purpose of ascertaining if the Governor has any further communications to make to the House of Representatives with respect to the First Special Session of the 112th Indiana General Assembly.

BODIKER

Motion prevailed. The Speaker appointed Representatives Cook, Kruzan, Dillon, and Munson.

### COMMITTEE REPORT

Mr. Speaker: Your Committee, which was appointed to ascertain whether the Senate has any further legislative business to transact with the House of Representatives concerning the First Special Session of the 112th Indiana General Assembly, respectfully reports that it has waited upon the Senate and that the Senate has no further legislative business to transact with the House of Representatives.

LEUCK  
DUMEZICH

DVORAK  
MOCK

Report adopted.

### COMMITTEE REPORT

Mr. Speaker: Your Committee, which was appointed to confer with the Governor to ascertain whether he has any further communications to make to the House of Representatives with respect to the First Special Session of the 112th Indiana General Assembly, hereby reports that it has waited upon the Governor and that the Governor has no further communications to make to the House of Representatives.

COOK  
DILLON

KRUZAN  
MUNSON

Report adopted.

### HOUSE MOTION

Mr. Speaker: I move that the Speaker of the House of Representatives appoint a committee of four members of the House of Representatives to notify the Senate that the House of Representatives has completed its business for the First Special Session of the 112th Indiana General Assembly and is ready to adjourn.

LEUCK

Motion prevailed. The Speaker appointed Representatives Kruzan, Cook, Dillon, and Mock.

### HOUSE MOTION

Mr. Speaker: I move that the Speaker of the House of Representatives appoint a committee of four members of the House of Representatives to notify the Governor that the House of Representatives has completed its business for the First Special Session of the 112th Indiana General Assembly and is ready to adjourn.

LEUCK

Motion prevailed. The Speaker appointed Representatives Kruzan, Cook, Dillon, and Budak.

### COMMITTEE REPORT

Mr. Speaker: Your Committee appointed to notify the Senate that the House of Representatives has completed its business and is ready to adjourn hereby reports that it has notified the Senate of the message of the House of Representatives.

KRUZAN  
DILLON

COOK  
MOCK

Report adopted.

### COMMITTEE REPORT

Mr. Speaker: Your Committee appointed to notify the Governor that the House of Representatives has completed its business and is ready to adjourn hereby reports that it has notified the Governor of the message of the House of Representatives.

KRUZAN  
DILLON

COOK  
BUDAK

Report adopted.

### HOUSE MOTION

Mr. Speaker: I move that the House of Representatives of the First Special Session of the 112th General Assembly do now adjourn *sine die* at 8:57 p.m., this twenty-second day of June, 2002.

KRUZAN

Motion prevailed. The House adjourned *sine die*.

JOHN R. GREGG  
Speaker of the House of Representatives

LEE ANN SMITH  
Principal Clerk of the House of Representatives